IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED SCRANTON SEP 2 6 2016 PER DEPUTY CLERK

BRANDON HOLMES,	:	No. 3:16cv1787
Petitioner	:	
	:	(Judge Munley)
v.	:	
	:	(Chief Magistrate Judge Carlson)
DAVID EBBERT,	:	
Respondent	:	

ORDER

AND NOW, to wit, this ⟨__⟩day of September 2016, we have before us for disposition Chief Magistrate Judge Martin C. Carlson's report and recommendation (hereinafter "R&R"). (Doc. 5). Chief Magistrate Judge Carlson recommends dismissing the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 without prejudice or, alternatively, transferring this matter to the United States District Court for the Southern District of Florida under 28 U.S.C. § 1404–petitioner's district of conviction.

No objections to the R&R have been filed and the time for such filing has passed. When deciding whether to adopt a report and recommendation when no objections have been filed, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the R&R. It is hereby **ORDERED** as follows:

1.   Chief Magistrate Judge Carlson's Report and Recommendation (Doc. 5) is hereby **ADOPTED**;

2.   Petitioner Brandon Jaquay Holmes' request for relief under 28 U.S.C. § 2241 (Doc. 1) is **DISMISSED without prejudice** to the petitioner filing a proper post-conviction petition with the Eleventh Circuit Court of Appeals or the United States District Court for the Southern District of Florida; and

3.   The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

JUDGE JAMES M. MUNLEY
United States District Court